

UNITED STATES DISTRICT COURT
DISTRICT OF WESTERN MASSACHUSETTS

WESTERN DIVISION

CASE NO

JOSEPH W. WANYAMA ~~AND~~

~~LEONIDAH N.S. WANYAMA~~ *fw*

PLAINTIFFS.

V

JOHN KERRY, SECRETARY OF STATE

MICHELE BOND, ASSISTANT SECRETARY CONSULAR AFFAIRS,

DEPARTMENT OF STATE

PHILLIP SLATTERY, DIRECTOR, NATIONAL VISA CENTER

LORETTA LYNCH, ATTORNEY GENERAL OF THE UNITED STATES

JEH CHARLES JOHNSON, SECRETARY, DEPARTMENT OF HOMELAND
SECURITY.

DEFENDANTS.

FILED
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2016 AUG 15 P 2:47
U.S. DISTRICT COURT
DISTRICT OF MASS.

COMPLAINT FOR AND PETITION FOR WRIT OF MANDAMUS

1. Your honor my name is Joseph W Wanyama, a naturalized U.S. Citizen and my address is 169 White Street, Springfield Massachusetts, 01108.
2. I filed for my wife Leonidah N. W. Wanyama and our two sons Abraham and Lionel Wanyama to come to the U.S in March 2013 and May 2013 respectively.
3. Lionel W. Wanyama (NRB 2014637003) and Abraham Wanyama's ((NRB 2014637002) cases were approved and were finally admitted in the U.S in October 2014.
4. It was my hope that since my wife (NRB 2015670012) was an immediate family member that her case will be handled with the same purpose as that of family re-unification but that has proved to be a problem.
5. Your honor it was not until June 2015 almost **27 months** later when the case was approved and send to the State Department for Visa processing.
6. I was contacted by the state department and fulfilled all the requirements including paying for the Visa interview fee \$ 320 on October 15 2015.
7. It was not again until **10 months** later your honor that the State Department set up an Interview for Leonidah on July 21st 2016 at the U.S Embassy in Nairobi.

8. Amongst the requirements for an immigrant visa, is medical check-up which is done with only one agency; International Organization of Migration (IOM).
9. We contacted the IOM as required through the email and they responded by asking for a list of documents that they will need before setting up an appointment for medical checkup.
10. They needed a scanned and emailed passport photograph, the case number for Leonidah, a copy of the invitation letter from the NVC and a completed bio data. This was done and emailed. We send a few more enquiries and made calls with no response. On July 10th we send an email to the embassy complaining that we had no heard from IOM and yet were running short of time. The embassy responded by merely confirming they expect Leonidah on the 21st of July.
11. When Leonidah appeared for the interview on July 21st 2016, the customer service representative said the interview could not proceed because she did not have her medical records. That was obviously very disappointing and Leonidah was seeking an explanation as to what she should have done if they don't respond and cannot pick the calls made to them.
12. The Embassy staffer advised Leonidah to just walk to IOM because apparently they have become very **inefficient** and is **overwhelmed** with work. We could not understand why that advice was not given to us when we first reached the embassy and complained. We

also could not understand why the embassy confirmed the appointment when they knew she had not done her medicals.

13. At the IOM they accepted receiving the request for medical appointment and apologized for not scheduling her. They said instead of the usual two week appointment, that they would schedule her for the very next day so she will go back and do her interview.
14. By the 26th of July Leonidah had finished all her medicals and vaccinations. When she went back to the embassy she was shocked when the embassy turned round and said they do not schedule nor do they reschedule interviews. They referred Leonidah to another website www.usvisa-info.com/en-KE/iv. This website has these numbers in case you need to talk to them. The phone numbers 020-6190600/in the US 703-988-7112.
15. Your honor we did submit information to reschedule the interview as directed but this entity just like IOM does not respond to any sort of communication be it written or through telephone calls. The only obvious reason is that they are up to no good. We submitted information on the 26th of July and as of today the 15th of August there is absolutely no reply of any sort. The phone calls just give you a run around.
16. Your honor Leonidah being my immediate family, my expectation was that her process will take the normal six months. However for whatever reason this claim has taken more than **three years** now and one can see that is nothing but intentional acts on the part of

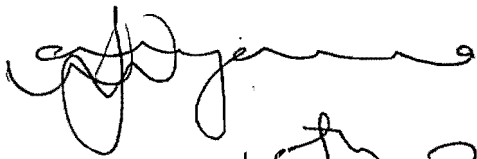
the immigration and State Department to frustrate and hurt my family. The pain, shame, emotional stress that we have heard to endure as a family knows no bounds.

17. On November 30th 2014, we invited Leonidah as Abraham's biological mother to attend a ceremony in respect of Abraham and be with us through the December holidays. This request was denied by the US Embassy in Nairobi and she was advised to wait for immigration process.
18. Leonidah felt very humiliated because it was obvious she cannot get the visa because if she came here she would not go back. If the Embassy thought she would come back they would have given her the visa.
19. Abraham was only 13 when he came here and both he and Lionel have never stayed away from their mother and so as I watched my kids suffer I had to spend \$ 6000 on tickets this June to go home and visit their mother. Your honor this expense would not have been incurred if the state department had done its duty.
20. By refusing to do their work, the state department has injured this family in such a profound way that no amount compensation can take the pain away. We therefore humbly petition for a WRIT OF MANDAMUS to compel State department to carry out the duty owed to us and stop the run around.

PRAYERS TO THE COURT

1. Assume Jurisdiction over this case.
2. Issue a Writ of Mandamus compelling the defendants to issue an interview date for Leonidah as soon as possible and process her travel to the US to allow family reunification.
3. Award us reasonable costs under the Equal Access to Justice Act
4. Award such further relief as the Court deems necessary or appropriate.

Signed - Joseph W. Wanyama


August 15th 2016